

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

**DEBRA JENKINS et al.,**

**Plaintiffs,**

**v.**

**JON BARTLETT et al.,**

**Defendants.**

**No. 02-CV-1136-DRH**

**ORDER**

**HERNDON, District Judge:**

Before the Court is a motion, submitted pursuant to **Federal Rule of Civil Procedure 45(c)(3)(A)(iii)**, to quash the subpoena issued to Jonathan Cermele, which commands his appearance before the Court on April 26, 2006. (Doc. 152.) The Court **DENIES** this motion. Though Mr. Cermele has submitted an affidavit indicating that he previously represented Defendant Jon Bartlett ("Defendant") (Doc. 153), Plaintiff's counsel has represented that the testimony he intends to elicit from Mr. Cermele will not be subject to the attorney-client privilege. (Doc. 156, p. 2.) The Court accepts this representation. The Court, furthermore, is at this time disinclined to require that Plaintiff reveal the substance of the testimony he intends to elicit from

Mr. Cermele. Such an order, the Court finds, would unfairly require Plaintiff to reveal his trial strategy prior to the commencement of trial.

**IT IS SO ORDERED.**

Signed this 21st day of April, 2006.

/s/ David RHerndon  
**United States District Judge**